

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

MISAEEL SANTIAGO-RODRIGUEZ,  
et al.,

Plaintiffs,

v.

BENJAMIN VALENTIN-RUIZ, et al.,

Defendants.

Civil No. 07-1988 (JAF)

**O R D E R**

Plaintiffs, Misael Santiago-Rodríguez, Irving Antonio Casiano-Mangual, Bernie Rafael Casiano-Santiago, Michael Antonio Casiano-Mangual, and Sharon Casiano-Mangual, bring this action in diversity against Defendants, Benjamín Valentín-Ruiz, his spouse and their conjugal partnership; H.L. Suárez Transport; an unknown defendant; Universal Insurance Company; and other unknown insurance companies. (Docket No. 43.) Plaintiffs allege multiple claims of negligence under 31 L.P.R.A. 5141 (1990) stemming from an automobile collision in Ponce, Puerto Rico, on November 13, 2006. (Id.) Defendants move to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1), alleging that Santiago-Rodríguez is a citizen of Puerto Rico and we, therefore, lack diversity jurisdiction. (Docket No. 57.) Plaintiffs oppose. (Docket No. 62.)

The motions and accompanying evidence submitted by the parties are, at best, inconclusive as to Santiago-Rodríguez' citizenship at

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1 the time of his filing this action. (Docket Nos. 57, 62, 63, & 64.)  
2 We held an evidentiary hearing on September 2, 2009, to gather  
3 further evidence of citizenship and to assess Santiago-Rodríguez'  
4 credibility. In light of this hearing, we reserve judgment on the  
5 question of Santiago-Rodríguez' citizenship.

6 If this case must be tried, we will enter appropriate judgment  
7 on the jurisdictional evidence then available to us. In the interim,  
8 we strongly encourage the parties to engage in meaningful settlement  
9 negotiations. In conducting their negotiations, the parties should  
10 take into account the uncertainty of our jurisdiction over Santiago-  
11 Rodríguez' claim.

12 Accordingly, we hereby **RESERVE JUDGMENT** on Defendants' motion to  
13 dismiss.

14 **IT IS SO ORDERED.**

15 San Juan, Puerto Rico, this 3<sup>rd</sup> day of September, 2009.

16 s/José Antonio Fusté  
17 JOSE ANTONIO FUSTE  
18 Chief U.S. District Judge